

RemarksRejections Under 35 USC 112:

Claim 4 was rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. In particular, the Examiner states that claim 4 discloses a pilot stream being spread and then time shifted, but FIG. 5 teaches a pilot stream being spread, and then added to another stream before being time shifted.

Support for claim 4 is provided in the spec on page 11, lines 12-19. In particular it is stated that, "there exists frequency/chip locations that remain empty due to the staggering of transmissions. These need not remain empty. For example, one could use these spaces to . . . transmit additional pilot chips and/or pilot symbols that will further aid channel estimation at the receiver." Thus, there is no step of adding to another stream before being time shifted as suggested by the examiner.

Regarding Independent Claim 1:

Claim 5 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 1 was amended to include *almost all* those limitations originally found in claim 5. In particular, claim 1 was amended to include the limitations that:

- The pilot stream is spread; and
- The spread pilot stream is combined with a chip stream from the plurality of chip streams.

Analysis of the prior art reveals that the prior art fails to teach or otherwise suggest the Applicants' claimed subject matter of spreading data streams and a pilot stream, combining the spread pilot stream with a chip stream, and time shifting each chip stream by a predetermined amount. Because of this, claim 1 is allowable over the prior art of record.

Regarding Independent Claim 16:

Claim 16 is an apparatus-type claim that was amended to include substantially those limitations found in allowed claim 5. For the reasons set forth above with reference to claim 1, claim 16 is allowable over the prior art of record.

Regarding all other claims:

Claims 6-15 and 17-18 were allowed. All other claims depend from allowable base claims.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. As the Applicant has overcome all substantive rejections given by the Examiner the Applicant contends that this Amendment, with the above discussion, overcomes the Examiner's rejections to the pending claims. Therefore, the Applicant respectfully requests allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Finally, please charge any fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117.

Respectfully Submitted,
Krauss, ET AL.

by: 

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